

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

INFOUSA, INC.,	)	
	)	
Plaintiff,	)	8:03CV214
	)	
vs.	)	ORDER
	)	
BOB DALLAS, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on the parties' Joint Motion for an Amended Progression Order (Filing No. 119). The parties seek a 120-day extension of the remaining deadlines, including the trial date. The parties state the extension is for the parties to complete discovery. Specifically, the parties state they must take the depositions of seven individuals. The depositions were initially scheduled in September 2005, but canceled due to one deponent's illness. The seven depositions were rescheduled to this week, but again were canceled when one deponent became unavailable. Further, the parties state they have otherwise completed only limited discovery.

This matter was filed in June 2003. The parties have obtained several extensions of the various deadlines, most recently the discovery deadline was extended by five months. **See** Filing No. 86 (Third Amended Final Progression Order); **see also** Filing No. 84 (Second Amended Final Progression Order); Filing No. 81 (Order Granting Continuance and Final Progression Order); Filing No. 36 (Final Progression Order). Additionally, the last motion for extension of time sought the extension to complete the same discovery the parties now seek to complete out of time. The court finds the moving parties failed to provide good cause for the inadequate discovery they have completed to date and the lengthy extension of time. **See** Fed. R. Civ. P. 16(b); **Bradford v. DANA Corp.**, 249 F.3d 807, 809-10 (8th Cir. 2001); **see also Thorn v. Blue Cross & Blue Shield of Fla., Inc.**, 192 F.R.D. 308, 309 (M.D. Fla. 2000) ("In demonstrating good cause, the moving party must establish that the 'scheduling deadlines

cannot be met despite a party's diligent efforts.'") (**paraphrasing** Fed. R. Civ. P. 16 advisory committee notes (1983 amendment)). Upon consideration,

**IT IS ORDERED:**

The parties' Joint Motion for an Amended Progression Order (Filing No. 119) is denied.

DATED this 11th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge